

SPECIAL MEETING OF BERKELEY COUNTY COUNCIL
August 10, 2009

A **Special** Meeting of Berkeley County Council was held on **Monday, August 10, 2009**, at 8:29 p.m., in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

PRESENT: Mr. Daniel W. Davis, Supervisor, Chairman; Mr. Caldwell Pinckney, Jr., Council Member District No. 7, Vice Chairman; Mr. Phillip Farley, Council Member District No. 1; Mr. Timothy J. Callanan, Council Member District No. 2; Mr. Robert O. Call, Jr., Council Member District No. 3; Mrs. Cathy S. Davis, Council Member District No. 4; Mr. Jack H. Schurlknight, Council Member District No. 6; Mr. Steve C. Davis, Council Member District No. 8; Mr. Joshua Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Mr. Dennis L. Fish, Council Member District No. 5 was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Daniel Davis called the meeting to order.

EXECUTIVE SESSION - not needed.

PUBLIC DISCUSSION – Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

Mr. Kenneth Sellers, residing at 119 Tall Pines Road, addressed County with regard to the rezoning request.

Chairman D. Davis stated that earlier in the Committee Meetings, the rezoning request was addressed. This item is not listed on the agenda for the Council Meeting. It can be addressed at the end of the meeting. The rezoning request was denied at the Committee Meeting.

Council Member Farley stated the rezoning request denial would be reported at the next Council Meeting.

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES PER SPEAKER. (A TOTAL OF 30 MINUTES WILL BE ALLOTTED FOR THIS PUBLIC DISCUSSION PERIOD.)

SECOND READING:

1. Bill No. 09-32, an Ordinance to amend Ordinance No. 09-06-31 providing for the fiscal year beginning **July 1, 2009, and ending June 30, 2010**, for the **Sangaree Special Tax District**

operational budget; and to provide for the expenditures of the revenues received by the Sangaree Special Tax District during the fiscal year.

[Recommended by Committee on Finance]

It was moved by Council Member C. Davis and seconded by Council Member S. Davis to **approve Bill No. 09-32** for **Second Reading**. The motion passed by unanimous voice vote of Council.

2. Bill No. 09-37, an **ordinance** authorizing the execution and delivery of a second amendment to fee agreement between Berkeley County, South Carolina and **RG-MWV, LLC**; and matters relating thereto.

[Recommended by Committee on Finance]

It was moved by Council Member S. Davis and seconded by Council Member Pinckney to **approve Bill No. 09-37** for **Second Reading**. The motion passed by unanimous voice vote of Council.

REPORTS FROM STANDING COMMITTEES:

Committee on Public Works and Purchasing.
Council Member, Mr. Robert O. Call, Jr., Chairman

Chairman Call reported that the Committee on Public Works and Purchasing met earlier this evening.

a. Cooperative Intergovernmental Agreement between Berkeley County and the South Carolina Department of Transportation - Improvements to I-26.

On recommendation of the Committee, Chairman Call moved to authorize the Berkeley County Supervisor to execute the **Cooperative Intergovernmental Agreement** between Berkeley County and the South Carolina Department of Transportation for the **I-26 Improvements**. (No second required.)

The motion passed by unanimous voice vote of Council.

b. Intergovernmental Agreement between Berkeley County and the South Carolina Department of Transportation for the completion of Projects under the County's One Percent Sales and Use Tax.

On recommendation of the Committee, Chairman Call moved to authorize the Berkeley County Supervisor to execute the **Intergovernmental Agreement** between Berkeley County and the South Carolina Department of Transportation for completion of projects under the County's **One Percent Sales and Use Tax**. (No second required.)

The motion passed by unanimous voice vote of Council.

(That concluded Chairman Call's report.)

Council Member Callanan inquired as to the possibility of reporting the issue out of the Land Use Committee tonight so the citizens would not have to attend another meeting.

Chairman Davis stated that if the rezoning is reported out at this time, then anyone that would like to speak in favor of the rezoning would be denied the opportunity.

It was moved by Council Member S. Davis and seconded by Council Member Callanan to **adjourn** the Special Council Meeting. The motion passed by unanimous voice vote of Council.

The meeting ended at 8:36 pm.

PUBLIC DISCUSSION

Public Discussion commenced at 8:37 p.m.

Ms. Susan Kavanough, residing in Tall Pines Subdivision, addressed Council and stated her concerns regarding the rezoning request. There is an elementary school bus stop at this intersection. The applicants do not live in Tall Pines and would not be affected by the rezoning. The citizens are willing to negotiate with the applicants to keep the property at R-1 zoning. It could be used for a daycare center or a church. Mr. Greenway is working with the applicants on another proposal to keep the area residential. There was concern regarding future uses for the property. She thanked Council for denying the request.

Mr. Richard Fox, residing at 224 Loblolly Circle, Tall Pines Subdivision, addressed Council and stated the applicant requested an office for bipolar and manic depressive and recovering addicts. There is concern if the people have an attack and would require EMS. This does not belong in this area.

Mr. Kenneth Sellers rescinded his request to speak to Council.

Mr. Mitch Melton, 1225 Wildgame Road, Summerville, stated the Wengers are the applicants and are residents of Tall Pines. Due to the overwhelming objection of the residents of Tall Pines and it being considered spot zoning, the rezoning would not be pursued. This is an extreme hardship to the Wengers and the fact that it cannot be residential, it will become a detriment to the community. It is requested that Council waive the requirements of 100 acres for a PD and allow for negotiations with the residents and Mr. Greenway to select acceptable professions for this building. This would allow Mr. Wenger to sell the property and could be maintained.

Chairman Davis responded that the request could not be approved this night. It was recommended that negotiations with Mr. Greenway continue. It will be considered that you have withdrawn the request.

Mr. Melton requested the request be changed to PD and continue on the same time frame.

Mr. Greenway, Zoning Administrator, stated that the request is being amended so the process would have to start again with the Planning Commission.

Ms. Catherine Helms, residing at 1015 Highland Pines, Tall Pines Subdivision, stated that a home owners' association meeting is being held August 11, 2009. A presentation will be given and the PD will be discussed as a possibility. Under Mr. Greenway's guidance, it will be attempted to facilitate this request for all concerned parties.

Council Member Callanan stated that Mr. Greenway is working a similar project in his area and explained the restrictions that can be placed on the property to protect the interests. If a meeting can be conducted with Mr. Greenway, a solution can be achieved.

Ms. Helms inquired if a plan could be formulated with Mr. Greenway by the next home owners' meeting.

Mr. Greenway replied that a plan could not be made in that time frame, but he could attend the meeting and explain the situation. A PD once adopted, is enforceable as any other regulation or ordinance, by the Code Enforcement Officers. No permits would be issued for any unauthorized uses for the property.

Council Member Callanan stated this request would have to be presented at the Committee meeting in one month. If the details are not defined by the next Council meeting, it could be denied.

Mr. Greenway stated that there could be a plan formulated after the recommendation from the Planning Commission.

Council Member Callanan stated the request could be put on the Land Use agenda in one month. The withdrawal of the rezoning for OI would be required.

Mr. Melton stated he would withdraw the rezoning request.

Mr. Gruber, Assistant County Attorney, stated the written withdrawal would be needed.

Public discussion ended at 8:53 pm.

September 28, 2009

Date Approved

NOTICE OF SPECIAL MEETING OF BERKELEY COUNTY COUNCIL

Chairman: Mr. Daniel W. Davis, Supervisor
Vice Chairman: Mr. Caldwell Pinckney, Jr., District No. 7

Members: Mr. Phillip Farley, District No. 1
Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Ms. Cathy E. Davis, District No. 4
Mr. Dennis L. Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Steve C. Davis, District No. 8

There will be a **Special Meeting of Berkeley County Council**, on **Monday August 10, 2009**, following the meetings of the Committees on Finance, Public Works and Purchasing, Water and Sanitation, Land Use, Community Services, and Justice and Public Safety at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

EXECUTIVE SESSION to discuss matters relating to the proposed location, expansion, or the provision of services encouraging location or expansion of industries, or other businesses in the area served by the county; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, the receipt of legal advice where the legal advice relates to a pending, threatened, or potential claim or other matters covered by the attorney-client privilege, settlement of legal claim, or the position of the County in other adversarial situations involving the assertion against the County of a claim.

CALL TO ORDER

PUBLIC DISCUSSION – Requests to be heard must be made prior to call to Order and comments must be limited to Agenda items only.

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CHAIRMAN OF COUNTY COUNCIL

SECOND READING:

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[Recommended by Committee on Finance]

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b. Intergovernmental Agreement between Berkeley County and the South Carolina Department of Transportation for the completion of Projects under the County's One Percent Sales and Use Tax.

ADJOURNMENT

PUBLIC DISCUSSION

COMMENTS ON ANY PUBLIC DISCUSSION ITEM WILL BE LIMITED TO THREE (3) MINUTES AND MAY BE ON ANY MATTER.

August 5, 2009

S/Barbara B. Austin, CCC

Clerk of County Council